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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,404	02/20/2004	Raymond D. Chavers	284-37042-US	6339
24923	7590	10/04/2005		
PAUL S MADAN MADAN, MOSSMAN & SRIRAM, PC 2603 AUGUSTA, SUITE 700 HOUSTON, TX 77057-1130				
			EXAMINER STEPHENSON, DANIEL P	
			ART UNIT 3672	PAPER NUMBER

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,404

Applicant(s)

CHAUERS ET AL.

Examiner

Daniel P. Stephenson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/20/04, 3/21/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “76” has been used to designate both the shroud and the lower lateral fluid ports. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because the plug “120” of figures 7-11 is not retained in the valve mechanism upon removal as described in the specification (paragraph 42). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

Art Unit: 3672

remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "80". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 8, 10, 11, 15-17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry et al. in view of Evans et al. Cherry et al. (Figures 1-3) discloses a

Art Unit: 3672

reservoir completion assembly for selective production of production fluid from a lower a lower completion section formed of tubing string and a packer device for securing the lower completion section within the wellbore section of a wellbore. The system has an upper completion section formed of tubing string, an anchor device (41) for selectively latching into the packer device, and a reservoir control valve for controlling flow of fluid from the lower completion. The reservoir control valve has a control valve body with an anchor portion for selectively landing the control valve body into a packer within the wellbore. It also has a fluid flow port (85) disposed within the valve body. There is a first slidable sleeve member that is moveable between an open position, wherein fluid communication through the port is not blocked by the first sleeve member, and a closed position, wherein fluid communication through the port is blocked by the first sleeve member. And a second valve member that is moveable between an open position, wherein the second valve member does not block fluid communication through the port, and a closed position, wherein fluid communication through the port is blocked by the second valve member. The second valve member is opened by a stinger. (39). The valve body is separable from the packer. Cherry et al. does not disclose that the second valve member is a sleeve valve. Evans et al. (Figures 1-3) discloses a packer and valve assembly in which there is a sliding sleeve valve on the lower completion that is activated through the use of a stinger. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sleeve of Evans et al. with the system of Cherry et al. This would be done to have greater control of the sleeve opening and closing by use of a stinger on a sleeve as opposed to a flapper and stinger setup.

Art Unit: 3672

6. Claims 1-3, 8, 10, 11, 15-17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry et al. in view of Fredd '486. Cherry et al. (Figures 1-3) discloses a reservoir completion assembly for selective production of production fluid from a lower a lower completion section formed of tubing string and a packer device for securing the lower completion section within the wellbore section of a wellbore. The system has an upper completion section formed of tubing string, an anchor device (41) for selectively latching into the packer device, and a reservoir control valve for controlling flow of fluid from the lower completion. The reservoir control valve has a control valve body with an anchor portion for selectively landing the control valve body into a packer within the wellbore. It also has a fluid flow port (85) disposed within the valve body. There is a first slidable sleeve member that is moveable between an open position, wherein fluid communication through the port is not blocked by the first sleeve member, and a closed position, wherein fluid communication through the port is blocked by the first sleeve member. And a second valve member that is moveable between an open position, wherein the second valve member does not block fluid communication through the port, and a closed position, wherein fluid communication through the port is blocked by the second valve member. The second valve member is opened by a stinger.

(39). The valve body is separable from the packer. Cherry et al. does not disclose that the second valve member is a sleeve valve. Nor does it disclose that there is a plug member within the valve body to block axial flow through the valve body. Fredd '486 (Figures 9 and 10) discloses a packer and valve assembly in which there is a sliding sleeve valve on the lower completion that is activated through the use of a stinger. There is a plug member within the valve body to block axial flow through the valve body. It would have been obvious to one of

Art Unit: 3672

ordinary skill in the art at the time the invention was made to use the sleeve and plug of Fredd '486 with the system of Cherry et al. This would be done to have greater control of the sleeve opening and closing by use of a stinger on a sleeve as opposed to a flapper and stinger setup.

7. Claims 4, 9, 12 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry et al. in view of Evans et al. or Fredd '486 as applied to claims 1, 8 and 15 above, and further in view of Scarsdale. Cherry et al. in view of Evans et al. or Fredd '486 shows all the limitations of the claimed invention, except it does not disclose that there is an outer shroud for containing the flow of production fluid. Nor does it disclose a pump incorporated within the upper completion for assisting flow towards the surface. Scarsdale (Figure 3) discloses a packer and upper completion where there is an outlet and inlet for fluid flow to a pump for assisting with flow towards the surface. There is a shroud around the section for containing the flow of production fluid as it bypasses the motor of the pump. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the pump and shroud of Scarsdale with the apparatus of Cherry et al. in view of Evans et al. or Fredd '486. This would be done to allow the fluid to be pumped to the surface if the formation pressure was not enough to drive it.

8. Claims 6, 14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry et al. in view of Evans et al. or Fredd '486 as applied to claims 1, 8 and 15 above, and further in view of Cochran. Cherry et al. in view of Evans et al. or Fredd '486 shows all the limitations of the claimed invention, except it does not disclose that the upper sleeve is released using pressure from the annulus of the wellbore. Cochran discloses (Figures 1 and 5) discloses a sliding sleeve valve (18, 118) in which the valve is operated by increasing the annulus pressure in the wellbore adjacent the valve. It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 3672

invention was made to use the valve of Cochran with the apparatus of Cherry et al. in view of Evans et al. or Fredd '486. This would be done so that the valve could be controlled by annulus pressure as opposed to tubular pressure, for greater operator control.

Allowable Subject Matter

9. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

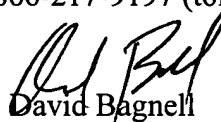
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jessup et al. shows similar elements to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 